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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,863	04/30/2002	Pierre Girod	032326-181	3216
21839	7590	12/19/2003	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			ST CYR, DANIEL	
POST OFFICE BOX 1404			ART UNIT	
ALEXANDRIA, VA 22313-1404			PAPER NUMBER	
			2876	

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/980,863	GIROD, PIERRE	
	Examiner	Art Unit	
	Daniel St.Cyr	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the response filed 9/09/03 in which claims 3, 11, and 14 were amended and claim 17 was added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6-8, 10, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipate by Kiyooki, EP Patent No. 0,169,278.

Kiyooki discloses a method and apparatus for distributing ticket fare income comprising: a first means (sorting device) specific to a first operator for acquiring information from a ticket issued by the first operator and for authorizing a service according to the information acquired, and consulate means (means for reading information from the ticket purchased from station X at the bus station a", b", or c") for receiving information from a ticket issued by another operator and for transmitting to the first means authorization to render said service according to the information obtained and processed in a manner specific to the consulate means. (see figure 1, page 7, line 24 to page 8, line 21).

Re claim 2, the service authorization is dependent on prior performance transaction (transaction from the railway) (see page 8, lines 3-21).

Re claim 6, further including a central unit 65 and a set of remote stations 66, 67 to acquire the information from the tickets and to perform transactions which remote stations are connected to the central station by first transmission circuits (see figure 13).

Re claim 7, each remote station comprises a consulate (means to retrieve information from a common ticket).

Re claim 8, wherein the central unit second transmission circuits for transmitting to the other operator the data corresponding to transaction effected on behalf of said operator (see figure 13 and page 18, line 16+).

Re claim 10, wherein said services pertain to a common transportation system and the remote stations are validators for access to transportation vehicles (buses and trains), the information carried by the tickets being read (see figure 1).

Re claim 11, the tickets are information carrier with magnetic stripe (see figures 9 and 10).

Re claim 16, wherein the services pertain to systems with different purpose (bus and train).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 12-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyooki. The teachings of Kiyooki have been discussed above.

Re claims 3-5, Kiyooki fails to disclose or fairly suggests the specific configuration of the consulate means with respect to the first means. However, having a specific design configuration, such as having integrated system, a modular system, etc., fall within the engineering design choice for meeting customer's requirement. It would have been obvious for an artisan at the time the invention was made to design the system into a specific desire configuration to make the make the system more user friendly or more appealing. Such modification would make the system more desirable and would quantify the demand for the system. Therefore, it would have been an obvious extension as taught by Kiyooki.

Re claim 12-15 and 17, Kiyooki fails to disclose or fairly suggests that the services pertain to mobile telephony using smart cards or banking system using credit card. However, notice is taken that mobile telephony systems using smart cards and banking systems using credit cards are notoriously old and well known in the art for performing mobile system transactions and banking transactions. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Kiyooki into a well-known mobile telephony system or into a well-known banking system for performing mobile communication or for performing banking transactions. Such modification would make the system more desirable by providing a system with overwhelming demand in the industry, which would make the system more cost effective and more profitable. Therefore, it would have been an obvious extension as taught by Kiyooki.

Allowable Subject Matter

6. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record teaches a system and device for issuing multipurpose tickets wherein the device coupled to a consulate device for validating a ticket from an operator from another system, the prior art of record fails to disclose or fairly suggests a central unit having third transmission circuits for transmitting from an operator to the consulate device information concerning methods of processing by the consulate device of the information carried by the tickets. These limitations in conjunction with other limitations in the claims were not shown by the prior art of record.

Response to Arguments

8. Applicant's arguments filed 9/09/03 have been fully considered but they are not persuasive. (see examiner remarks).

REMARKS:

In response to the applicant's first argument that the sorter does not constitute a first means of the type recited in claim 1, the examiner respectfully disagrees. It is clear, as recited above in the rejection, that the sorter is used as a means for obtaining information from a ticket by an operator. And regarding "a first means of the type recited in claim 1", it is unclear as to what is the applicant specific type of means. The prior art meets the limitation as recited in the claim.

In response to the applicant's second argument that the sorter separates tickets 55 from tickets 56, the examiner respectfully disagrees. Tickets 55 are useable for both buses and/or trains, the tickets are sorted to verify common tickets (used by buses and trains) and other tickets (tickets used by buses or train), this is done by reading the magnetic strip 57 (see page 16, line 1+). The tickets 55 are used by both systems and both system acquire information store in the magnetic strip to authorize the user. The applicant's arguments are not persuasive. Refer to the rejection above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7721.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Primary Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St. Cyr', with a large, stylized loop and a long horizontal stroke extending to the right.

DS
December 13, 2003